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HOUSE BILL 805
By Davidson

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 10; Title 2, Chapter 19 and Title 29, Chapter 24, relative to campaign reform.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language as a new subsection (j):

(j) If a person makes a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value for a communication, except those communications exempt under §2-10-102(3)(B), (C) or (D), that refers to one or more clearly identified candidates for state public office by name, picture, likeness, or otherwise, and such communication is transmitted through radio, television, billboard, newspaper, magazine or other periodical, or any other medium within six (6) months of the date of an election, then, if the total disbursements or obligations of such person for such communication related to any particular candidate for state public office exceeds two hundred fifty dollars (\$250) at any time within such six (6) month period, such person shall file a statement with the registry of election finance disclosing all receipts and disbursements made related to such communication within three (3) days of such date and otherwise on

the dates set forth in this section for reports by candidates, except that the deadlines contained in subsection (h) shall apply to any disbursements by the person in excess of twenty five hundred (\$2,500). Reports filed pursuant to this subsection shall contain the information described in subsection (h) or in Section 2-10-107, as appropriate.

SECTION 2. Tennessee Code Annotated, Section 2-10-306, is amended by adding the following language as a new subsection (c):

(c) For purposes of this section, “contributions” does include a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value for a communication as provided in §2-10-105(j).

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 19, Part 1, is amended by adding the following language as a new section to be designated as follows:

Section 2-19-145.

A broadcaster or disseminator of a communication that is transmitted during a political campaign from a location within this state through radio, television, billboard, newspaper, magazine or other periodical, or any other medium, which refers to one or more clearly identified candidates for state public office by name, picture, likeness, or otherwise, shall either provide an equal amount of time during the same time periods in which such communications are broadcast or disseminated to the candidate so identified to enable the candidate to present the candidate’s position or be liable in a civil action for any damages the candidate may suffer based on such false communication if:

(1) Information is provided to the broadcaster or disseminator of such communication which demonstrates by clear and convincing evidence that the information contained in the communication is false; and

(2) The broadcaster or disseminator continues to transmit such communication after receiving such evidence.

SECTION 4. This act shall take effect July 1, 2001, the public welfare requiring it.